

### REMARKS/ARGUMENTS

Initially, Applicants wish to thank the Examiner for the courtesy of the telephone interview of May 12, 2005, during which the rejected independent claim 1 was discussed. As requested by the Examiner on May 18, 2005, Applicants lay forth herein the arguments presented during the May 12, 2005, interview.

Claims 1–36 are pending in the above-captioned application and were rejected by the Office action of December 14, 2004.

#### I. Rejections Under 35 U.S.C. §102 (b)

Claims 1–7, 9, and 14–36 were rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Packard *et al.* (U.S. Pat. No. 5,640,995). This rejection is traversed.

“[F]or anticipation under 35 U.S.C. § 102, a single reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” MPEP § 706.02. “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 covers a microfluidic device comprising two basic components: (1) a body structure with at least one microchannel network and a plurality of ports, at least one port being in “fluid communication” with a microchannel in the network; and (2) a manifold with its own channel network and an aperture in “fluid communication” with both the manifold’s network and a port in the body structure.

At a minimum, Packard *et al.* do not teach, either explicitly or impliedly, “a body structure comprising at least one microchannel network.” The Examiner pointed to base layer **24** of Packard *et al.* as representing a body structure comprising a microchannel network and a plurality of ports. As illustrated in FIG. 4, base layer **24** includes inlets or outlets **18**, inlets/outlets **20**, and bolt holes **25**. None of these structures, individually or collectively, can be considered a microchannel network. The term “network” is defined by the *Random House Webster’s College Dictionary* as “any combination of intersecting or interconnecting filaments, lines, passages, etc.” The structures residing on or in base layer **24** are neither intersecting nor interconnecting.

Based on the above argument, withdrawal of the rejection of independent claim 1 under U.S.C. § 102(b) as being anticipated by Packard *et al.* is respectfully requested. Claims 2–7, 9, and 14–36 depend directly or indirectly from independent claim 1. Therefore, Applicants respectfully submit that dependent claims 2–7, 9, and 14–36 are allowable for at least the same reasons as set forth herein with respect to independent claim 1. Withdrawal of the rejection of dependent claims 2–7, 9, and 14–36 under U.S.C. § 102(b) as being anticipated by Packard *et al.* is also respectfully requested.

## II. Rejections Under 35 U.S.C. § 102 (e)

Claims 1–8, 13–21, 23–26, 28–30, 32–34, and 36 were rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Say *et al.* (U.S. Pat. No. 6,117,290 A). This rejection is traversed.

As noted above, claim 1 covers a microfluidic device comprising two basic components: (1) a body structure with at least one microchannel network and a plurality of ports, at least one port being in “fluid communication” with a microchannel in the network; and (2) a manifold with its own channel network and an aperture in “fluid communication” with both the manifold’s network and a port in the body structure.

At a minimum, Say *et al.* do not teach, either explicitly or impliedly, “a manifold comprising at least one manifold channel network.” The Examiner pointed to input/output connector terminal **27** of Say *et al.* as representing a manifold portion. As illustrated in FIG. 1, the only structures shown residing on or in terminal **27** are nipples **103** and an unlabeled connector for a monitor. These structures are neither shown nor described as being either intersecting or interconnecting and so cannot be considered to form a channel network.

Based on the above argument, withdrawal of the rejection of independent claim 1 under U.S.C. § 102(e) as being anticipated by Say *et al.* is respectfully requested. Claims 2–8, 13–21, 23–26, 28–30, 32–34, and 36 depend directly or indirectly from independent claim 1. Therefore, Applicants respectfully submit that dependent claims 2–8, 13–21, 23–26, 28–30, 32–34, and 36 are allowable for at least the same reasons as set forth herein with respect to independent claim 1. Withdrawal of the rejection of dependent claims 2–8, 13–21, 23–26, 28–30, 32–34, and 36 under U.S.C. § 102(e) as being anticipated by Say *et al.* is also respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants believe that the present application is in condition for allowance, and action toward that end is respectfully requested. If the Examiner believes that a telephone interview would expedite the examination of this application, the Examiner is requested to contact the undersigned at the telephone number below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on *May 20, 2005*, by Michael Moores.

Signed: \_\_\_\_\_

